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15 | FACEBOOK, INC.,

Case No. 5:08-cv-03468 JF

16 Plaintiff,

Assigned To: Hon. Jeremy Fogel

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**DECLARATION OF DR.  
KATHARINA SCHEJA IN SUPPORT  
OF FACEBOOK'S OPPOSITION TO  
DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER**

18 STUDIVZ LTD., HOLTZBRINCK  
19 NETWORKS GmbH, HOLTZBRINCK  
VENTURES GmbH AND DOES 1-25,

#### **Defendants.**

Date: December 9, 2008  
Time: 10:00 a.m.  
Room: Courtroom 2, 5th Floor  
Judge: Honorable Magistrate Judge  
Howard R. Lloyd,  
for Discovery Purposes

1 I, Dr. Katharina Scheja, declare as follows:

2       1. I am an attorney with the law firm of Heymann & Partner Rechtsanwalte,  
3 Taunusanlage 1, Frankfurt, Germany 60329, German counsel for Facebook, Inc.. I make this  
4 Declaration in support of Facebook's Opposition to Defendants' Motion for Protective Order. I  
5 am fully licensed to practice law in Germany and am in good standing with my local bar. Except  
6 as set forth herein, I have personal knowledge of the facts stated herein and if called as a witness,  
7 could and would competently testify thereto.

8       2. On July 18, 2008, StudiVZ Ltd. ("StudiVZ") brought a declaratory action against  
9 Facebook, Inc. in Stuttgart civil court (the "Stuttgart action"). The declaratory action asks the  
10 Court to declare that StudiVZ has not unfairly competed with or violated the intellectual property  
11 of Facebook. Facebook's deadline to respond to this declaratory action is November 19, 2008.

12       3. The first hearing in the Stuttgart action is scheduled for December 16, 2008. In  
13 German, this hearing is referred to as *Frueher erster Termin*, which roughly translates to "first  
14 oral hearing." A literal translation of the phrase is "early first hearing." The phrase may also be  
15 translated as "trial." The use of the term "trial" in this context is not equivalent to what I  
16 understand to be the common meaning of that word in the United States. In the United States, I  
17 have been advised that "trial" refers to a final, formal presentation of evidence in court to a trier  
18 of fact who, at the end of the trial, applies the applicable law to those facts and decides the case.  
19 This is not what is meant in referring to the December 16 hearing as a "trial."

20       4. At the December 16 hearing, the parties will be heard by the judge regarding the  
21 basic issues of the case, the complexity of the law in this area, and whether an amicable resolution  
22 to the dispute is possible. If no settlement is made, the judge will usually schedule future  
23 hearings and deadlines.

24       5. In my opinion, final adjudication of the Stuttgart action would take approximately  
25 a year to reach.

26           I declare the foregoing is true and correct to the best of my knowledge.

27           Executed this 17th day of November, at Frankfurt, Germany.

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6 Katharina Scheja

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**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 17, 2008.

Dated: November 18, 2008.

Respectfully submitted,

/s/ Julio C. Avalos /s/

Julio C. Avalos